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ATTY. DOCKET NO. FIRST NAMED APPLICANT SERIAL NUMBER SHMILOVICH, ET AL. P114660 10/784,067 02/20/04

HUGHES LAW FIRM, PLLC PACIFIC MERIDIAN PLAZA SUITE 302 4164 MERIDIAN STREET BELLINGHAM, WA 98226-5583

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MAY 10 2004

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## IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A FORMAL REQUIREMENT WILL BE ISSUED

The subject matter of this application appears to:

De "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2162 (Department of Energy (DOE)).

Thave significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Auronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (les) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example must appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency Indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thinty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at the state of the state

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FORM PTOU-458

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HUGHES LAW FIRM, PLLC

Robert B. Mughes Michaelf. Hughes 4164 MERIDIAN STREET, SUITE 302 BELLINGHAM, WA 98225-5583 (360) 647-1296 1-888-647-1296 FAX: (360) 671-2489

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Patent and Trademark Office

**FAX NUMBER:** 

(703) 305-6384

FROM:

Robert B. Hughes/Carole Petralli

SUBJECT:

STATEMENT signed by Inventors

S.N.: 10/784,067

Filing Date: February 20, 2004

Matter Title: APPARATUS AND METHOD FOR THE

CONTROL OF TRAILING WAKE FLOWS

Our Matter ID:

P114660

NUMBER OF PAGES:

6

(cover sheet included)

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